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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,569	07/23/2003	Mark Dwight	033734-003	6608

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EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/624,569

Applicant(s)

DWIGHT ET AL.

Examiner

Jeff H. Aftergut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT WO 02/18838.

PCT '838 suggested that those skilled in the art at the time the invention was made would have known to form a lampshade which was custom made which included the steps of having a plurality of end users each select a graphical design for the lampshade (note that the reference suggested that the purchaser of the lampshade kit would have access to a website using a standard internet provider and conventional browser software and from the website the end user would have been able to use software available to design their own lampshade design, followed by either downloading the newly created design to print at a local printer or have the design printed by the lampshade manufacturer and delivered to the user by conventional means, see page 5, lines 8-20). As noted above, the user would have used the Internet to design the print for the lampshade and remotely print the same at the site of the Internet website. The applicant is advised that while the reference did not expressly state that there were multiple end users, the internet and the manner described by the reference was well known to have multiple users of the network at the same time wherein more than one lampshade would have been custom made by the lampshade

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supplier. This would have been understood to have been how one skilled in the art would have utilized the software and the Internet to produce the print for the lampshade and such is taken as conventional for business performed on the Internet. The applicant is advised that the reference clearly suggested that one skilled in the art would have printed a plurality of graphical designs upon the sheet material, see page 4, lines 15- page 5, line 5, noting that the label material which was printed upon was prescored and fed through the printer in the fashion as was typical of a labeling operation. Applicant is advised that it is well known and conventional to feed either discrete sheets or a continuous sheet of material through a printing device in a printing process with a computer printer and whether one employed a plurality of prescored sheets or a continuous prescored sheet would have been obvious to the ordinary artisan given the state of the computer printing art. The reference suggested that one cut out the individual sections of the substrate where the same corresponded to the design and formed a lampshade from the cut out sections of the substrate. The reference suggested that the printed design could be applied directly upon the panels used to make the lampshade or that could be printed upon labels which were then separated (cut) from the sheet and applied to the panels to make the lampshade. While the reference did not expressly state that multiple users were employed in the operation, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the processing of PCT WO 02/18838 to make multiple individual custom lampshades wherein the same was done for multiple individuals from a central

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location wherein the information for customizing the lampshades was provided from remote sites of the individual purchasers.

With regard to claim 2, note that the reference suggested that one skilled in the art would have utilized a menu provided via a computer program to pick the design from. Regarding claim 3, note that the reference did not expressly state that the information (menu) was disposed upon a screen, however it is taken as well known that the use of the Internet and software therefrom would have incorporated a screen to display the menu. Regarding claim 4, note that the reference expressly stated that the designs would have been chosen over the Internet. Regarding claim 5, the reference suggested that the material of the label and/or panels would have been formed from plastic material. Vinyl is taken as a conventional plastic material and one which was known to have been used in the manufacture of a label and/or lampshade. It would have been within the purview of the ordinary artisan to select a suitable plastic material from those conventionally available and such would have included selection of a vinyl material. Regarding claim 6, note that the substrate material which was printed upon in PCT '838 was a label type material which was laminated to a backing material and which was removed from the backing material and applied to the panels in the manufacture of the lampshade. Regarding claims 7 and 8, to provide a unique customer identifier (like a bar code label) on each printed design at the factory would have been obvious to one of ordinary skill in the art as such would have ensured that the graphical design (and therefore the lampshade design) was mailed to the proper end user who designed it. As such, it is taken as conventional in the art to provide some type of

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making on the graphical design to ensure that the proper individual was mailed the correct design and such insurance of the same is taken as a conventional means in the manufacturing art. Regarding claim 9, it should be noted that the reference suggested that various shapes of lampshades could be manufactured and one skilled in the art of lampshades would have readily appreciated that different shaped shades existed in the art. To provide one with a choice of shapes for the various lampshades would have been within the purview of the ordinary artisan. Regarding claim 10, note that the reference clearly depicted rectangular pieces which were severed to form a cylindrical shape. Note regarding claim 11 that the use of c-shapes is taken as a conventional cut to make a lampshade. Use of a c-shaped cut is within the purview of the ordinary artisan as a function of the desired end shape of the finished lamp. Regarding claim 12, note that the reference clearly printed the designs subsequent to the selection of the desired graphics. Regarding claim 13, note that one would have expected that in the design of a lampshade the degree of light transmission would have been selected to provide the desired finished assembly with the desired degree of lighting. Regarding claim 14, the time that one printed the information would have been a function of when the user designated that the material be printed with the computer and therefore the artisan would have understood that such time intervals existed. Regarding claim 15, note that the reference clearly suggested the modification of the graphical designs by the end user. Regarding claim 16, note that the reference suggested that the lampshade would have been supplied via the mail. Regarding claim 17, note that the lampshades were clearly shipped to the end-user.

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**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sviland suggested a do it yourself kit for making a lampshade.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jeff H. Aftergut  
Primary Examiner  
Art Unit 1733

JHA  
July 8, 2005